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Recommended Citation

University of Montana–Missoula. Office of University Relations, "UM, UTU reach agreement in grading dispute" (1992). *University of Montana News Releases, 1928, 1956-present*. 12546.
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The University of Montana

NEWS RELEASE

Office of News and Publications
Missoula, MT 59812
(406) 243-2522

Jan. 6, 1992

UM, UTU REACH AGREEMENT IN GRADING DISPUTE

MISSOULA --

A dispute over grades given by a professor last June will be resolved according to an agreement reached by The University of Montana and the University Teachers' Union.

In that document, UM and UTU agree to submit the grades to the Student Complaint Committee for review and to develop a way to resolve such disagreements quickly in the future.

The dispute arose after UM administrators received complaints over grades given students in Professor Fred Reed's Sociology 100 class. Many of the students alleged that, as a result of Reed's grading practices, they would receive failing grades. A few students would have been prevented from graduating.

The issue normally would have been settled through the student complaint procedure, which begins with a student's lodging a grievance with the student complaint officer. But the officer had resigned, and no new one had been appointed. That fact, coupled with the need to resolve the problem before graduation, led arts and sciences Dean Jim Flightner and Associate Dean Dave Bilderback to take action.

Their decision was to change the grades. Believing this step to

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be a breach of the collective bargaining agreement, Reed and the UTU filed a grievance against UM.

After reviewing this case, the Student Complaint Committee will make a recommendation to UM President George Dennison. His decision will mark the settlement of the dispute.

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NOTE: A copy of the settlement is attached.

Contacts: Joan Newman, UM legal counsel (243-2472); philosophy Professor Burke Townsend, UTU grievance officer (243-6233)

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SETTLEMENT AGREEMENT

This agreement is made this _____ day of November, 1991, between the University Teachers' Union, hereafter "Union," and The University of Montana, hereafter "University," to fully settle a grievance between these parties filed under the terms of a collective bargaining agreement between the Union and the Montana University System.

ACKNOWLEDGEMENTS

- A. During spring quarter, 1991, a faculty union member, Professor Fred W. Reed, Ph. D., was teaching the course Sociology 100, and in June, 1991, was concluding the examinations and grading for this course.
- B. Beginning June 6, and continuing thereafter, David Bilderback, Associate Dean of the College of Arts and Sciences, began receiving complaints from students alleging serious departures from fair grading practices by Professor Reed in Sociology 100. Eventually more than thirty complaints were made, some from students who would be receiving failing grades as a result of the grading practices which would prevent them from graduating.
- C. The normal method of resolving disputes regarding grading practices, the Student Complaint Procedure under the collective bargaining agreement, appeared to Deans Flightner and Bilderback not to be available for timely resolution of these complaints, given the time of the academic year and that a Student Complaint Officer was not available for an indefinite period of time.
- D. Deans Flightner and Bilderback met with Professor Reed to discuss the student complaints, but these meetings failed to result in a mutually acceptable resolution of the problem.
- E. In view of these exigent circumstances, Associate Dean Bilderback and Dean Flightner modified the grades given by Professor Reed to the complaining students by eliminating the penalty accruing from the challenged grading practices, and directed the Registrar to enter these modified grades on the official transcripts of the complaining students in lieu of the failing grades assigned by Professor Reed.
- F. Because of these actions by the Dean and Associate Dean, Professor Reed and the Union filed a grievance against the University challenging the Deans' action as a breach of the collective bargaining agreement. A Step 1 meeting under the CBA grievance procedure is pending.

- G. After due consideration of the complexities and effort involved in formal resolution of the grievance through arbitration and the benefits of a mutually agreeable settlement, and with the advice of legal counsel, the parties have agreed to settle this grievance and wish to set forth all the terms of the settlement here.

Therefore, in consideration of the mutual promises and agreements set forth here, the parties agree to settle this grievance on the following terms:

TERMS OF AGREEMENT

1. The Union and the University acknowledge and affirm that the assignment of grades is an academic judgment properly reserved to the instructor and that an instructor's judgment in the assignment of a grade can be overridden only through a process adequate to ensure the academic integrity of the result. The Union and the University acknowledge and affirm that the Student Complaint Procedure, Article 21, of the collective bargaining agreement, is the primary and normally required procedure for resolution of disputes about grades or grading practices between students and faculty members.
2. Given what appear to be problems under some circumstances in the timeliness of the Student Complaint procedure to deal with student challenges to assigned grades, the Union and the University agree to negotiate in good faith for an alternate procedure to resolve the problem.
3. To resolve the current grievance regarding grading by Professor Reed in Sociology 100, the parties agree that the grades assigned by Professor Reed shall be submitted for review under the Student Complaint Procedure. This review shall be limited to the method and rationale of modifying the grades by eliminating the absence penalty. The parties agree that Steps 1 and 2 have already occurred, and that Step 3 and decision by the President shall occur as conditions of the settlement of this grievance. It is the intent of the parties that the students' position be presented by the Student Complaint Officer and the original class action complainant if he is available. If the Student Complaint Committee wishes to hear from any other individual student complainant who is presently on campus, the University shall arrange for the student to appear if possible. Both Associate Dean Bilderback and Professor Reed may appear before the committee, but neither is required to. However, Associate Dean Bilderback shall provide the committee with the documentation and rationale for modification of the grades utilized by him.

As described in the Student Complaint Procedure, the recommendation of the Student Complaint Committee shall be forwarded to the President of the University. Implementation of the specific remedy shall be the responsibility of the President.

4. Upon execution of this agreement by the Union and the University, the grievance filed by the Union concerning changes in the grades given to students in Sociology 100 by Professor Reed spring quarter 1991 shall be fully and finally settled.

THE UNIVERSITY OF MONTANA

Donald Hable
 TITLE *Provost*
 DATE *November 18, 1991*

THE UNIVERSITY TEACHERS' UNION

Burke Townsend
 TITLE *Grievance Officer*
 DATE *December 16, 1991*

GRIEVANT

Fred W. Reed

Date